

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
HELENA DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MICHAEL JAMES GEORGE,

Defendant.

**CR-20-03-H-BMM**

**ORDER**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on November 2, 2022. (Doc. 97.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on November 1, 2022. (Doc. 96.) The United States accused Michael James George (George) of violating his conditions of supervised release 1) by committing crimes on two separate

occasions; 2) by possessing a urine sample from a third party; 3) by possessing controlled substances; 4) by using heroin; and 5) by possession of ammunition. (Doc. 84.)

At the revocation hearing, George admitted to violating the conditions of his supervised release by committing the crime alleged in violation 1; 2) by possessing controlled substances; and 3) by using heroin. George denied alleged violations 2, 5 and 6. Judge Johnston found that the Government failed to satisfy its burden of proof with respect to alleged violation 2. Judge Johnston dismissed alleged violations 5 and 6 on the Government's motion. (Doc. 96.) Judge Johnston found that the violations George admitted proved to be serious and warranted revocation, and recommended revocation of George's supervised release and recommended that George receive a custodial sentence until December 23, 2022, with 42 months of supervised release to follow. (Doc. 97.) George was advised of his right to appeal and his right to allocute before the undersigned. (Doc. 96.) The violations prove serious and warrant revocation of George's supervised release. The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 97) are **ADOPTED IN FULL. IT IS FURTHER ORDERED** that Defendant Michael James George be sentenced to the Bureau of Prisons until December 23, 2022, with 42 months of supervised release to follow.

DATED this 17th day of November, 2022.

A handwritten signature in blue ink that reads "Brian Morris". The signature is fluid and cursive, with the first name "Brian" and last name "Morris" clearly distinguishable.

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Brian Morris, Chief District Judge  
United States District Court